IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.183 OF 2007

Mr.Mallappa Sangramappa Mallipatil ...Applicant.

Versus

The State of Maharashtra ...Respondent.

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Mr.Niranjan Mundargi, Advocate for the Applicant.
Mr.Rajesh More, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 27th April, 2007.

P.C.:

1. Heard the learned Advocate for the applicant and the learned APP for the State.

2. Rule. By consent rule is made returnable forthwith and heard finally.

3. The applicant-orig.accused has been convicted under Sections 326 of IPC by the learned 12th Adhoc Asstt. Sessions Judge, Pune by judgment and order dated 6.10.2004 in Sessions Case No. 168 of 2002. By the said judgment and order the learned Sessions Judge sentenced the

applicant to suffer RI for three years and fine of Rs.3000/- in default SI for three months. Being aggrieved by the said judgment and order the applicant preferred Criminal Appeal No.293 of 2004. The Sessions Judge, Pune by judgment and order dated 13.4.2007 dismissed the said Appeal. Being aggrieved thereby, this Revision has been preferred by the applicant.

4. Mr.Niranjan Mundargi, the learned Advocate for the applicant, on instructions, states that the applicant is not challenging his conviction. However, it is prayed that the sentence of imprisonment may be reduced and instead the fine may be substantially increased.

5. The learned APP states that if the fine amount is substantially increased, he does not have any serious objection to period of imprisonment being reduced to the period already undergone by the applicant.

6. In view of the above, the conviction of the applicant is confirmed. However, the sentence of imprisonment is reduced to the period already

undergone by the applicant and fine amount of Rs.3000/- as imposed by the learned 12th Adhoc Asstt. Sessions Judge, Pune is increased to Rs.20,000/-. It is stated that the fine amount of Rs.3,000/- as imposed on the applicant by the learned Asstt. Sessions Judge, has been deposited. In such case, the applicant will have to deposit the remaining fine amount of Rs.17,000/-. The said fine amount of Rs.17,000/- to be deposited by 15.5.2007 in the trial Court. In case the applicant fails to deposit the said fine amount within the said period the orders of the learned Asstt. Sessions Judge and learned Sessions Judge shall stand confirmed and the applicant shall be taken into custody.

7. Criminal Revision Application is partly allowed.

[SMT.V.K.TAHILRAMANI,J.]